



**Public Service  
of New Hampshire**

A Northeast Utilities Company

AR-1499

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May 8, 2014

VIA CERTIFIED MAIL  
VIA E-MAIL ([DEMEO.SHARON@EPA.GOV](mailto:DEMEO.SHARON@EPA.GOV))

Ms. Sharon DeMeo  
Environmental Engineer  
U.S. Environmental Protection Agency - Region 1  
Office of Ecosystem Protection  
5 Post Office Square, Suite 100 (CIP)  
Boston, Massachusetts 02109-3912

Re: **Public Service Company of New Hampshire  
Merrimack Station, Bow, New Hampshire  
Draft NPDES Permit No. NH0001465  
Request for Extension of Public Comment Period**

Dear Ms. DeMeo:

On April 18, 2014, the Environmental Protection Agency ("EPA") placed a Revised Draft National Pollutant Discharge Elimination System ("NPDES") Permit for Public Service Company of New Hampshire's ("PSNH") Merrimack Station ("MK") in Bow, New Hampshire ("2014 Draft Permit"), on public notice from April 18, 2014 to June 17, 2014 (i.e., establishing a sixty-day comment period). PSNH respectfully requests a sixty-day extension of the public comment period to allow PSNH, its consultants, and other interested parties the opportunity to submit meaningful comments that will provide the agency critical information it needs before issuance of the final permit. The sixty-day initial comment period is not adequate to address the bellwether change to the 2014 Draft Permit that, if finalized in its current form, will significantly impact operations at MK and has the potential to affect the entire electric steam generation industry in the foreseeable future.

The 2014 Draft Permit significantly alters the best available technology ("BAT") determination set out in EPA's 2011 draft permit issuance for MK as it relates to flue gas desulfurization ("FGD") wastewaters generated at the station. Specifically, EPA has removed from the 2014 Draft Permit discharge limits for FGD wastewaters based on a combination of physical/chemical and biological treatment technologies. In place thereof, the agency embraces a vapor compression evaporation ("VCE") and crystallizer technology it previously rejected in 2011 as the BAT to justify prohibiting PSNH from discharging any FGD wastewaters from MK under any circumstances.

In its Fact Sheet to the 2014 Draft Permit, EPA advances four bases as to why it believes the current sixty-day public comment period is adequate for all interested parties: (1) commenters had the chance to evaluate issues in the 2011 draft issuance and are therefore not “starting from scratch”; (2) only a specific portion of the Draft Permit is being revised; (3) relatedly, only a specific aspect of EPA’s BAT determination is being revised; and (4) interested parties already had an opportunity to comment on the VCE technology because the agency included it as a possible BAT option for MK in its 2011 draft permit issuance. These reasons are unconvincing and not entirely accurate. Comments from interested stakeholders addressing EPA’s 2011 BAT determination for MK’s FGD wastewaters were understandably focused on the chosen combination of physical/chemical and biological treatment technologies. Because EPA itself eliminated VCE technologies as the potential BAT for MK in its 2011 draft permit issuance due to feasibility and reliability concerns, as well as other unknowns, PSNH and other stakeholders did not extensively evaluate or comment on the viability of this technological option. Indeed, PSNH and other stakeholders could not have undertaken this additional task within the timeframe allotted to comment on the 2011 draft permit issuance.

Moreover, EPA’s justifications simply fail to appreciate the magnitude of the changes the agency has made in the 2014 Draft Permit, as well as the amount of data collection, review, and analysis that PSNH and other interested commenters will be required to complete in order to provide meaningful comments to the agency regarding the VCE technology. PSNH, as a result of limited internal resources, is in the process of engaging consultants to assist its employees and legal counsel in evaluating and responding to EPA’s articulated basis for its complete and dramatic change in direction from the earlier 2011 draft permit. It is simply not possible to expect these consultants to then, within the remaining time allotted, review EPA’s 2011 draft permit and the revised 2014 Draft Permit as well as its associated Fact Sheet, review the close to 400 new documents EPA has added to the administrative record along with the more than 200 documents related to FGD wastewaters included in EPA’s original administrative record, gather their own independent data (especially in light of the dearth of available data for this relatively new technology), obtain information about other referenced VCE systems (which, as a matter of note, are predominantly located in other countries), analyze all of this information, and formulate cogent and accurate comments to submit to the agency regarding this complex technology.

EPA has provided the absolute minimum number of days for the public to submit comments to the 2014 Draft Permit, despite the fact that the agency’s own regulations provide that “[a] comment period of longer than 60 days will often be necessary in complicated proceedings to give commenters a reasonable opportunity” to submit comments and supporting materials to the agency for consideration. 40 C.F.R. § 124.14(a)(4) (emphasis added); see 40 C.F.R. § 124.14(a)(1) (providing that the Regional Administrator shall require the submission of comments to a reopened public comment period to occur “not less than sixty days after public notice” of the new comment period is provided by the agency). No one could dispute that EPA’s attempt to impose VCE technologies as BAT for the treatment and elimination of all FGD wastewaters for the first time at any electric steam generation facility could be considered a “complicated proceeding” as envisioned by the drafters of 40 C.F.R. § 124.14(a)(4). The fact that it took EPA more than two years to research and issue its revised draft permit proposing VCE as BAT for MK’s FGD wastewaters is proof positive that additional time is required for the public to offer meaningful comments to the 2014 Draft Permit. Accordingly, PSNH’s request for an additional sixty days to provide comments on EPA’s selection of complicated technology as BAT is reasonable and should be granted by the agency.

We respectfully urge EPA to grant the requested extension to give PSNH and the public a reasonable opportunity to provide the critical input that EPA requested and should review prior to issuing any final permit.

Please do not hesitate to call me if you have any questions.

Very truly yours,



Linda T. Landis  
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Public Service Company of New Hampshire

Enclosures

cc: William H. Smagula, P.E., PSNH, Vice President-Generation  
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